

WOLFF & SAMSON PC

COUNSELLORS AT LAW

THE OFFICES AT CRYSTAL LAKE
ONE BOLAND DRIVE
WEST ORANGE, NEW JERSEY 07052
973-325-1500
TELECOPIER: 973-325-1501

NEW YORK OFFICE:
140 BROADWAY
FORTY-SIXTH FLOOR
NEW YORK, NEW YORK 10005
212-973-0572

WWW.WOLFFSAMSON.COM

WRITER'S E-MAIL:
DTaft@WolffSamson.com

WRITER'S DIRECT DIAL:
973-530-2014

WRITER'S TELECOPIER:
973-530-2214

DAVID SAMSON
ARTHUR S. GOLDSTEIN*
ARMEN SHAHINIAN*
THOMAS R. O'BRIEN*
GAGE ANDRETTA*
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JOSEPH TRIPODI*
JILL D. ROSENBERG*
JOHN O. LUKANSKI*

*MEMBER NJ AND NY BARS
*MEMBER NJ AND PA BARS
*MEMBER PA AND NY BARS
*MEMBER NY BAR ONLY
*MEMBER PA BAR ONLY
*REGISTERED PATENT ATTORNEY

MARTIN L. WIENER (1942 - 2002)

AARON D. BASSAN
ROXANNA E. HAMMETT
LAUREN M. O'SULLIVAN
JOSEPH ZAWILA
HOWARD K. UNIMAN*
STEVEN S. KATZ*
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COUNSEL

CARL B. LEVY
RHONDA CARNIOL*
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ANDREW D. ELLIS
KLAUS P. STOFFEL*
STEPHEN M. ASPERO*
STEPHEN A. KISKER*
DAVID E. WOLFF*
OF COUNSEL

JOSEPH A. DICKSON
DONNA M. EREM
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RUSSEL D. FRANCISCO*
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XAVIER M. BAILLIARD
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DARREN GRZYB*
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BRIAN KANTAR*
ELIZABETH C. YOO
PETER D. SIMON
JOSHUA M. LEVY*
PATRICIA D. CLEARY*

PLEASE REPLY TO WEST ORANGE

December 6, 2007

Federal Express

Amelia Wagner, Esq.
Assistant Regional Counsel
Office of Regional Counsel
US Environmental Protection Agency
Region II
290 Broadway, 17th Floor
New York, NY 10007

RE: ISP Environmental Services/LCP Chemicals Site

Dear Ms. Wagner:

Our firm, along with the law firm of Arnold & Porter LLP, represent ISP Environmental Services, Inc. ("ISP") in connection with the clean up of the LCP Chemicals Site located in Linden, New Jersey. We were working with Muthu Sundram on this case and we were saddened to hear that Muthu recently passed away. We have been advised that you are assuming Muthu's cases. We are writing this letter as a follow up to discussions we had with Muthu regarding the clean up at the Site.

We had discussed with Muthu pursuing additional PRPs to contribute to the clean up of the LCP Chemicals Site. We also provided Muthu with dossiers and documents that support the inclusion of these additional PRPs in the clean up of the Site. As a result of these discussions, ISP agreed to draft initial and follow-up 104(e)

265571



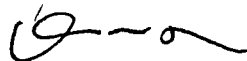
requests for Muthu to serve on these additional PRPs. In October, we sent Muthu a chronology of the LCP Chemical Site and draft questions addressed to specific PRPs for inclusion in initial and follow-up 104(e) requests. A copy of the letter and the enclosures is attached for your review.

As you will see, the 104(e) requests include questions for parties on which EPA has already served a 104(e) request and for new parties. For the parties already served with a 104(e) request, ISP has drafted more specific questions based on information submitted with the responses to the 104(e) requests and other information ISP has gathered regarding the Site. For the parties not yet served with a 104(e) request, ISP included potential 104(e) questions that can be incorporated into the standard 104(e) requests for these new parties.

ISP believes, however, that the EPA currently has enough information from the evidence packages presented to Muthu and from previous 104(e) responses to more than justify the service of Notice Letters on Union Carbide/Praxair, Kuehne Chemical Company and Dupont.

ISP would like to set up a conference call to introduce ourselves, and the lawyers from Arnold & Porter LLP, and to discuss this case with you. Please contact me at your earliest convenience to schedule this call. We look forward to working with you.

Very truly yours,

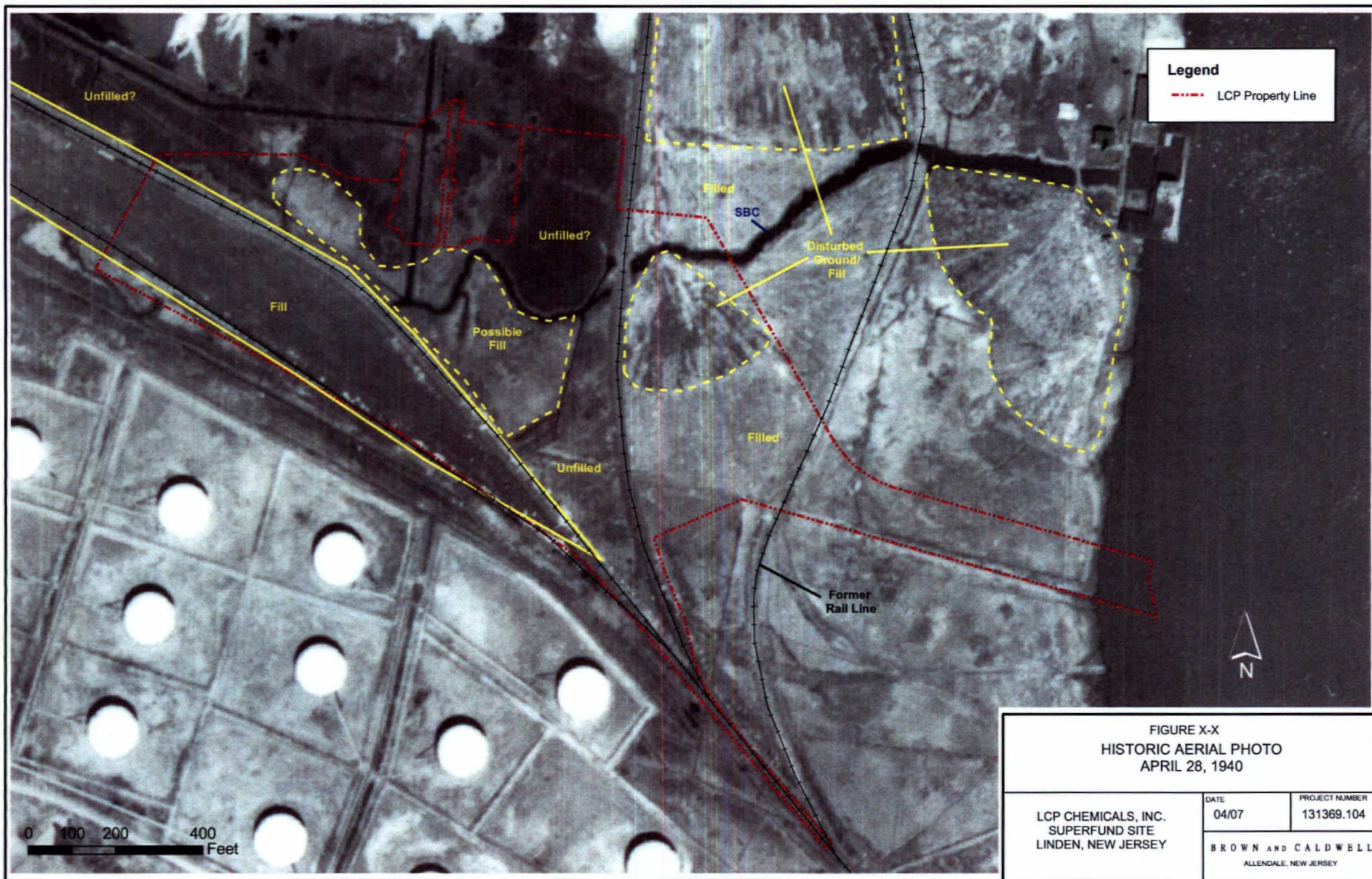


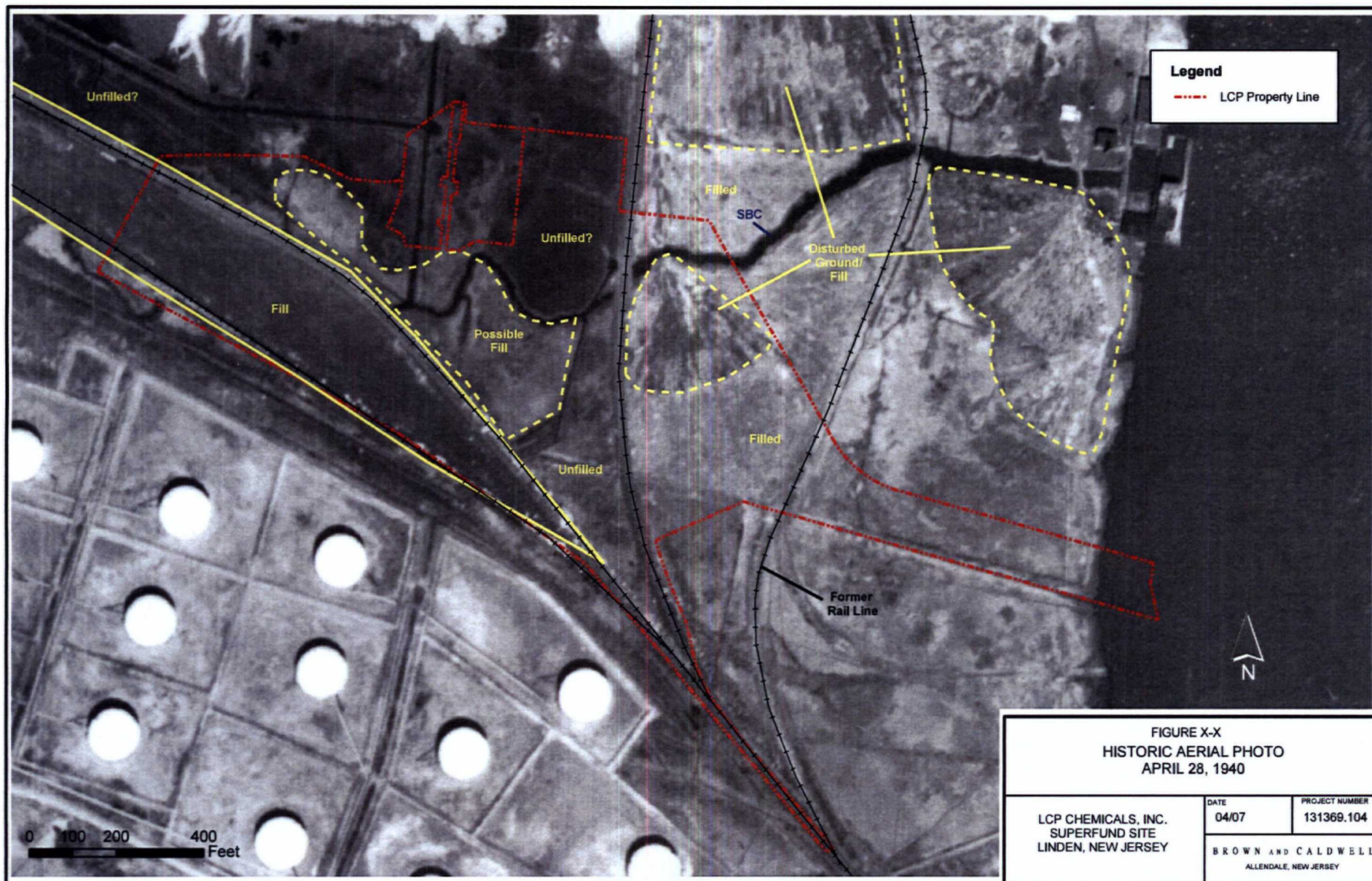
DENNIS M. TOFT

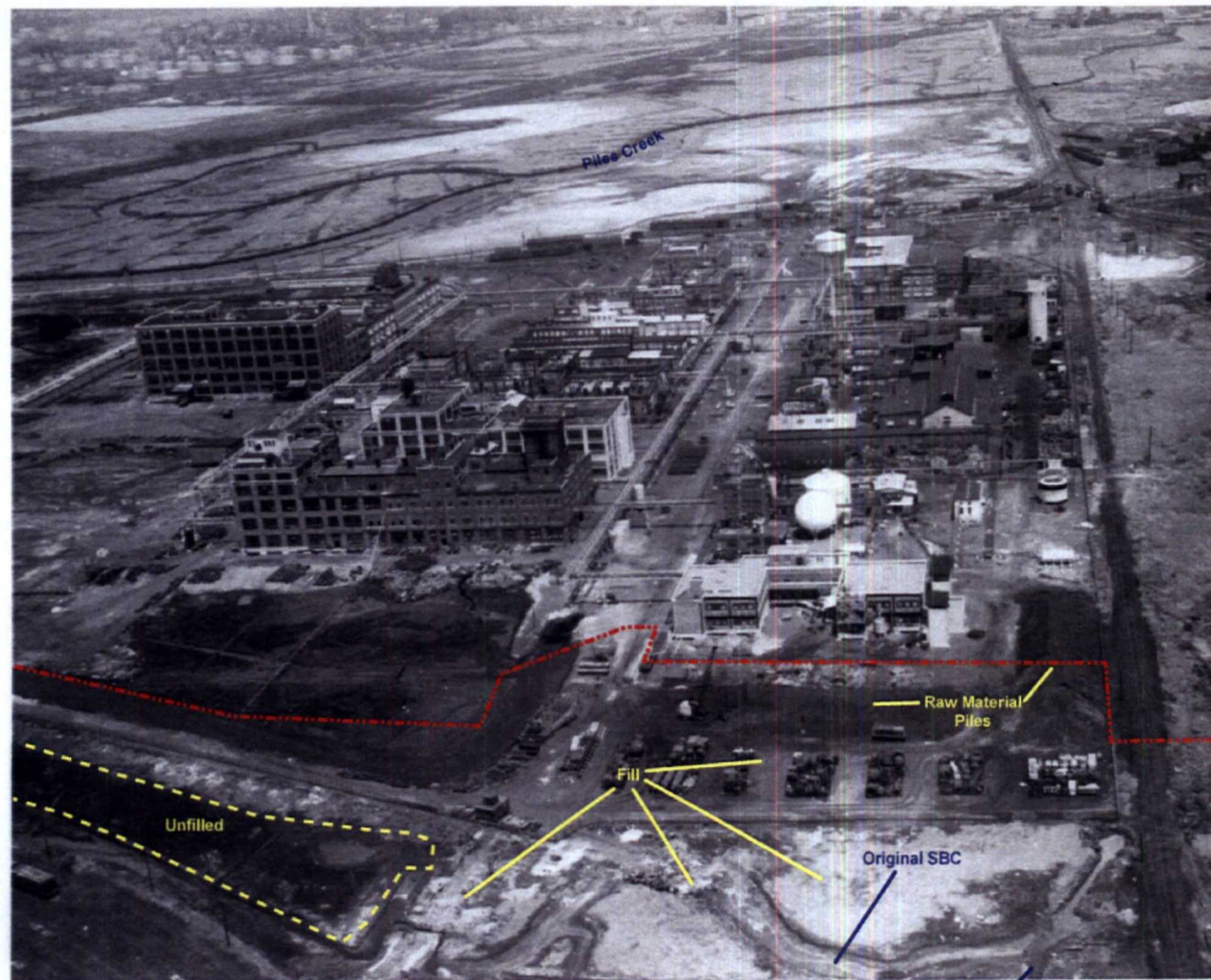
Enclosures

cc: Celeste Wills, Esq. (via email, w/o enclosures)
Nelson Johnson, Esq. (via email, w/o enclosures)

**DOCUMENTS THAT SUPPORT DUPONT AS A POTENTIALLY
RESPONSIBLE PARTY AT THE LCP CHEMICAL SITE,
LINDEN, NEW JERSEY**







Legend

----- LCP Property Line

Note:
Property Line is estimated.



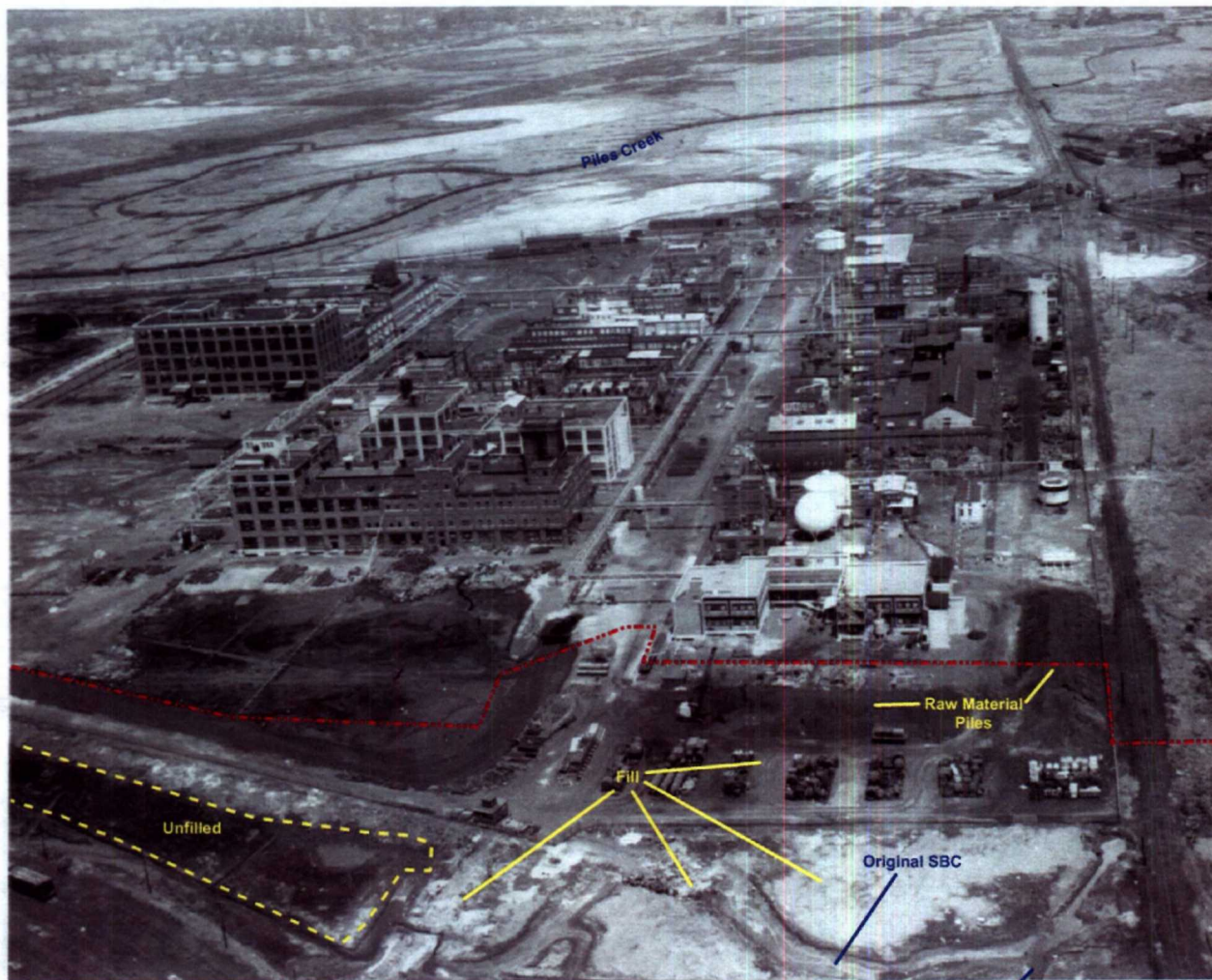
FIGURE X-X
HISTORIC AERIAL PHOTO
JULY 1947

LCP CHEMICALS, INC.
SUPERFUND SITE
LINDEN, NEW JERSEY

DATE
04/07

PROJECT NUMBER
131369.104

BROWN AND CALDWELL
ALLENDALE, NEW JERSEY



Legend

----- LCP Property Line

Note:
Property Line is estimated.



FIGURE X-X
HISTORIC AERIAL PHOTO
JULY 1947

LCP CHEMICALS, INC.
SUPERFUND SITE
LINDEN, NEW JERSEY

DATE
04/07

PROJECT NUMBER
131369.104

BROWN AND CALDWELL
ALLENDALE, NEW JERSEY



March 22, 1999

BY OVERNIGHT MAIL

Mr. Muthu Sundram
Office of Regional Counsel
New Jersey Superfund Branch
U. S. Environmental Protection Agency
290 Broadway, 17th Floor
New York, NY 10007-1866

Re: LCP Chemicals, Inc. Superfund Site
Linden, Union County, New Jersey

Déar Mr. Sundram:

Pursuant to my letter of March 5, 1999, transmitting E. I. du Pont de Nemours and Company's ("DuPont") response to the Request for Information for the LCP Chemicals, Inc. Superfund Site in Linden, New Jersey (the "Site"), I am writing to provide additional information regarding DuPont's alleged ownership and operation of the Site.

On December 1, 1928, the Grasselli Chemical Company (Ohio) ("Grasselli Ohio") sold a majority of its assets to DuPont. At the same time, Grasselli Ohio reserved certain assets for transfer to the Grasselli Dyestuffs Corporation ("Grasselli Dyestuffs"), which was both a joint venture of Grasselli Ohio and the Bayer Company and a subsidiary of Germany's I.G. Farbenindustrie ("I. G. Farben"). In this manner, DuPont acquired title to two sections of land partially underlying the Site (the "Western Property" and the "Eastern Property"), and I. G. Farben, which assumed sole ownership of Grasselli Dyestuffs, came to own much of the remainder of the Site's land.

After obtaining title from Grasselli Ohio, DuPont immediately transferred the Western Property and the Eastern Property, as well as the other Grasselli Ohio assets, to its wholly owned subsidiary, The Grasselli Chemical Company (Delaware). However, DuPont's Grasselli subsidiary apparently did not conduct any operations on either the Western Property or the Eastern Property and dissolved in 1936. At that time, the Grasselli Chemicals Department of

DuPont assumed ownership of the Grasselli subsidiary's assets, and thus, on October 31, 1936, DuPont reacquired title to the Western Property and the Eastern Property.

No evidence exists to suggest that DuPont operated on any portion of the Site following the 1936 transfer. Indeed, relevant documents, photographs, and site maps indicate that no operations and no disposal took place on either the Western Property or the Eastern Property during the period of DuPont's ownership.

The Western Property

An April 1, 1949, DuPont memorandum refers to the Western Property as a "long narrow strip of land of irregular shape, approximately 150 feet wide and containing approximately 12.8 acres, lying between the General Aniline¹ property and the railroad yards of the Central Railroad of New Jersey"; it is outlined in blue and designated as "Parcel, DuPont to G.A.F., 9-15-49, D.B. 1776 Pg. 7" on Exhibit A. As also shown on Exhibit A, that portion of the Western Property within the red-outlined lots is within the boundaries of the Site. However, the evidence suggests that no operations and no disposal took place on any part of the Western Property prior to DuPont's sale of that parcel to General Aniline & Film Corporation ("GAF") on September 15, 1949. That evidence includes:

- The April 1, 1949, DuPont memorandum mentioned above, which states that the Western Property was intended "for the establishment of a railroad classification yard" that "was never established";
- an April 6, 1949, resolution of the DuPont Executive Committee, which describes the Western Property as "idle land";
- the aerial photography attached as Exhibit B, which shows no development in the area of the Western Property in 1944;
- USEPA Region II's own August 12, 1996, Removal Site Evaluation for the Site, which states that "GAF had produced chlorine and sodium hydroxide at this location since 1952," three years after DuPont sold the Western Property; and
- LCP Transportation, Inc.'s September 30, 1988, ECRA Applicability/Nonapplicability Affidavit to NJDEP, which describes the Site as a "22 acre facility, which was constructed by GAF in the mid to late 1950's" and thus, again, after DuPont's ownership of the Western Property.

The Eastern Property

The Eastern Property is outlined in blue on the Exhibit A and marked as "36.307 ac. DuPont to G.A.F., 7-9-63, D.B. 2648 Pg. 319, Grasselli to DuPont, 10-31-36 D.B. 1330 Pg. 321." As with the Western Property that portion of the parcel that falls within Exhibit A's red outline lies within the boundaries of the Site. Again, however, the evidence suggests that no

¹ I. G. Farben had changed the name of Grasselli Dyestuffs to General Aniline Works, Inc. ("General Aniline") in 1929.

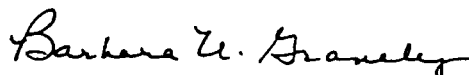
operations and no disposal took place on the Eastern Property prior to DuPont's sale of that parcel to GAF on July 9, 1963.

The portion of the Arthur Kill, N.Y.-N.J. USGS Quadrangle map that is marked in black on Exhibit C shows no development on the Eastern Property as of 1966, three years after DuPont sold that parcel. Moreover, the revisions to the same USGS map shown in magenta demonstrates that, as of 1981, still no operations were taking place on that portion of the Eastern Property that underlies the Site.

Thus, the evidence indicates that no operations or disposal occurred on either the Western Property or the Eastern Property during DuPont's ownership of those parcels. Accordingly, DuPont is not a "person who at the time of disposal of any hazardous substance owned or operated [the Site]," and it did not "arrange[d] for disposal or treatment...of hazardous substances [at the Site]." 42 U.S.C. Section 9607 (a)(2),(3). Therefore, DuPont respectfully declines to enter into any Administrative Consent Order to perform the Site's RI/FS.

We would be pleased to meet with you regarding this information at your request.

Very truly yours,



Barbara U. Gravely

Attachments

cc: Ms. Patricia Simmons (w/o attachments)
Emergency and Remedial Response Division
U. S. Environmental Protection Agency
290 Broadway, 20th Floor
New York, NY 10007-1866

~~CONFIDENTIAL~~

FOR USE ONLY

LAND DISPOSAL ACTIVITY

(A) Past Practice

Location Linden, NJ

Lawli

General Description of Disposal Facility	Disposal Dates	General Description of Wastes	Facility Construction	Site and/or Groundwater Conditions	Mainly Du Pont Use	Current Site Ownership
1) 8 on site land- fills	1928-75	<ul style="list-style-type: none">• coal ash• strontium nitrate muds• calcium sulfate with residual phosphate• silicate muds• hypo muds (sulfur, carbon, iron oxide)• sodium sulfate• strontium sulfide• sulfur• aluminum chloride• hydrochloric acid	these 8 sites amount to 20 acres where waste was either pumped into ground or spread on top of ground no dikes	unknown	Yes	Du Pont
2) off site contract- or-Scientific Chemical Processing, Cardlstadt, NJ	1972-75	20,000 tons; <ul style="list-style-type: none">• insecticides• fungicides• other organics• carbon tetrachloride• ketones & aldehydes• pharmaceutical waste	incineration and landfill of residual	unknown	unknown	Scientific Chemical Processing
3) 1 off site-Kin Buc Landfill, Edison, NJ	1972-75	13,800 tons; <ul style="list-style-type: none">• salts• acid solutions	<ul style="list-style-type: none">• landfill• drummed waste• co-disposed with municipal waste• neutralization	unknown	unknown	unknown

PLAINTIFF'S
EXHIBIT
PAGANO - 9
11/12/93

Comments:

1 Facility closed in 1977

2000

~~DRAFT~~

LAND DISPOSAL ACTIVITY

FOR DU PONT COMPANY USE ONLY

(A) Past Practice (con't)

<u>General Description of Disposal Facility</u>	<u>Disposal Dates</u>	<u>General Description of Wastes</u>	<u>Facility Construction</u>	<u>Site and/or Groundwater Conditions</u>	<u>Mainly Du Pont Use</u>	<u>Current Site Ownership</u>
4) off site-Bayonne (?), Bayonne, NJ	1971	400 tons of organics solvents	incineration & landfill of residue	unknown	unknown	unknown
5) off site- Chambers Works	1978	8 tons; •ketone & aldehydes •salts •mostly water	•treatment •incineration •landfill	unknown	Yes	Du Pont

Comments: